

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION OF)
MASSACHUSETTS and LAWYERS FOR)
CIVIL RIGHTS,)
Plaintiffs,)
v.) C.A. No. 19-12564-MBB
UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY, IMMIGRATION)
AND CUSTOMS ENFORCEMENT,)
Defendants.)

PLAINTIFFS' REPLY TO DEFENDANTS' STATUS REPORT

In Defendants' Response to the Proposed Order, D. 32, the government states that "Plaintiff informed the undersigned that it is unwilling to accept narrowing of its requests in the Gang Profile request." That is not accurate. Plaintiffs informed the government in writing that they are willing to have a conversation about whether to narrow the Gang Profiling Request after receiving the document and page counts for the existing requests. *See* Ex. A (July 1, 2020 email from Plaintiffs' counsel). Plaintiffs understood the Court's purpose in ordering the government to provide the document and page counts was to inform these discussions and make clear whether any narrowing is actually necessary.

Plaintiffs also remain perplexed how the government could claim that documents concerning the implementation of the WSO program in Massachusetts and communications about

the program with Massachusetts officials¹ are “law enforcement sensitive” when the government cannot even say if the program exists in Massachusetts. *See* D. 32 at 2. ICE’s own website says that it does not. Plaintiffs see no reason why all records responsive to the WSO request could not be produced forthwith.

Date: July 2, 2020

Respectfully Submitted,

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¹ *See* Parts 3 and 4 of the WSO Request. Defendants refer to Parts 4 and 5 of the WSO Request as those that will be outstanding after July 31, but Plaintiffs believe the reference to Part 5 was in error.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing will be filed through the electronic filing system of the Court, which system will serve counsel of record, on July 2, 2020.

/s/ Lauren Godles Milgroom
Lauren Godles Milgroom